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Attorneys for Defendants Hyatt Corporation  
d/b/a Hyatt Regency San Francisco Airport, Jimmy  
Flores, Ron Gray, Tom Phipps and Jose Reyes

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THROY OTANES,

Plaintiff,

v.

HYATT REGENCY HOTEL  
(BURLINGAME), JIMMY FLORES,  
RON GRAY, TOM PHIPPS, JOSE  
REYES, and DOES ONE through FIFTY,

Defendants.

Case No. CV 07 5936 MHP

**STIPULATION OF DISMISSAL WITH  
PREJUDICE AND ORDER OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED by and between Defendants Hyatt Corporation d/b/a Hyatt Regency San Francisco Airport, Jimmy Flores, Ron Gray, Tom Phipps and Jose Reyes ("Defendants") and Plaintiff Throy Otanes ("Plaintiff"), that the above-captioned action be and hereby is dismissed with prejudice as to all claims by Plaintiff against Defendants and all named defendants, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1). Each party will bear their own costs and fees in connection with the action.

1 The parties request that the Court enter an order consistent with this Stipulation.  
2 Respectfully submitted,

3 Dated: October 27, 2008

FOLGER LEVIN & KAHN LLP

4  
5 /s/Genevieve E. Evarts  
Genevieve E. Evarts  
6 Attorneys for Defendants Hyatt Corporation  
d/b/a Hyatt Regency San Francisco Airport, Jimmy  
7 Flores, Ron Gray, Tom Phipps and Jose Reyes

8 Dated: October 27, 2008

9  
10 /s/Throy Otnes  
11 Throy Otnes  
12 *In Pro Per*

13 **ORDER OF DISMISSAL**

14 **PURSUANT TO STIPULATION, IT IS ORDERED THAT THIS MATTER IS**  
15 **DISMISSED AS TO ALL PARTIES WITH PREJUDICE.**

16  
17 Dated: 11/14/2008



**PROOF OF SERVICE**

I, Genevieve E. Evarts, state:

My business address is Embarcadero Center West, 275 Battery Street, 23rd Floor, San Francisco, California 94111. I am over the age of eighteen years and not a party to this action.

On October 27, 2008, at approximately 4:00 p.m., I served a copy of the following document(s):

**STIPULATION OF DISMISSAL AND ORDER OF  
DISMISSAL**

on the following person(s) in this action:

**Throy Otones  
66 Bay Court  
South San Francisco, CA 94080**

by personally delivering the document(s) to above-listed person.

For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on October 27, 2008, at San Francisco, California.

/s/Genevieve E. Evarts  
Genevieve E. Evarts

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